

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
These rules take effect

(By authority conferred on the director of the department of labor and economic growth by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011)

R 408.30551, R 408.30556, R 408.30557, R 408.30561, R 408.30562, R 408.30564, R 408.30565, R 408.30566, R 408.30568, R 408.30569, R 408.30570, R 408.30571, R 408.30572, R 408.30573, R 408.30574, R 408.30575, R 408.30576, R 408.30577 of the Michigan Administrative Code are amended to read as follows:

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, 2003~~6~~ edition, including appendix A and resource A, hereinafter referred to as "the code," is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 ~~through~~ 108.6, ~~112.2, 112.3, 114.3, 506.1.1 through 506.2, 605.1.1 to 605.2, 706.2, 706.3 and 1004.1.1 through 1004.1.5, 1104.1.1 to 1104.1.4, 1105.15 and Appendix B~~, and as otherwise noted in these rules. The international existing building code, 2003~~6~~ edition is available for inspection at the Okemos office of the Michigan Department of ~~Consumer Labor and Industry Services~~**Economic Growth**, Bureau of Construction Codes and Fire Safety or from International Code Council, **500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001**, ~~5203 Leesburg Pike, Suite 708, Falls Church, VA 22041~~ at a cost as of the time of adoption of these rules of ~~\$42.00~~ **\$45.00**.

R 408.30556 ~~Compliance.~~ **Elevators.**

Rule 556. Section ~~102.4.2~~**802.1.2** of the code is amended as follows:
~~102.4.2 Compliance. Compliance with the structural provisions of the Michigan building code, 1999 national building code, or 1997 uniform building code shall be deemed to exceed or be equivalent to the structural provisions of this code.~~

802.1.2. Elevators. Where there is an elevator or elevators for public use, at least 1 elevator serving the work area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire fighting or rescue purposes shall be provided with emergency operation in accordance with the Michigan elevator code. New elevators shall be provided with

February 21, 2007

phase I emergency recall operation and phase II emergency in-car operation in accordance with the Michigan elevator code.

R 408.30557 ~~"Building official" defined.~~ **Definitions.**

Rule 557. **The definition of act and building official are added to section 202 of the code to read as follows:** ~~Section 103. of the code is amended as follows:~~

202. Definitions.

"Act" means 1972 PA 230, MCL 125.1501 and known as the Stille-DeRossett-Hale single state construction code act.

~~103.2~~ "Building official" means the person who is appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and who is registered in accordance with the requirements of 1986 P.A. 54, MCL 338.2301 **to 338.2313, et seq.** Where used in this code, the term code official means "building official".

R 408.30561 **Accessibility.** ~~Work exempt from permit.~~

Rule 561. Sections ~~308.1~~ **308.2, 308.6, 308.7, 308.8.2 and 308.8.3** of the code ~~is~~are amended as follows:

~~105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:~~

~~(a) Building, as follows:~~

- ~~(i) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.~~
- ~~(ii) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
- ~~(iii) Temporary motion picture, television and theater stage sets and scenery.~~
- ~~(iv) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.~~
- ~~(v) Window awnings supported by an exterior wall of group R-3 or group U occupancies.~~
- ~~(vi) Movable cases, counters and partitions.~~

~~(b) Electrical, as follows:~~

- ~~(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~
- ~~(ii) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply and to the installations of towers and antennas.~~
- ~~(iii) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.~~

~~(c) Gas, as follows:~~

- ~~(i) Portable heating appliance.~~
- ~~(ii) Replacement of any minor part that does not alter approval or equipment or make equipment unsafe.~~

(d) Mechanical, as follows:

- ~~–(i) Portable heating appliance.~~
- ~~–(ii) Portable ventilation equipment.~~
- ~~–(iii) Portable cooling unit.~~
- ~~–(iv) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.~~
- ~~–(v) Replacement of any part which does not alter its approval or make it unsafe.~~
- ~~–(vi) Portable evaporative cooler.~~
- ~~–(vii) Self-contained portable refrigeration units not more than 1.5 horsepower.~~

(e) Plumbing, as follows:

- ~~–(i) The stopping of leaks in drains, water, soil, waste or vent pipe; however, if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the trap, drainpipe, or waste or vent pipe with new material, then the work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.~~
- ~~–(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.~~

308.1 Scope. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply in accordance with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

308.6 Alterations. A building, facility, or element that is altered shall comply with the applicable provisions in chapter 11 of the code and ICC/ANSI A117.1 listed in chapter 35, unless technically infeasible. When compliance with this section is technically infeasible, then the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by section 308.7 of the code.

2. Accessible means of egress required by chapter 10 of the code are not required to be provided in existing buildings and facilities.

3. Buildings, structures, or improved areas which exist on or before the effective date of these rules and which are in compliance with the code at the time of the issuance of the certificate of occupancy unless the alteration specifically modifies an area covered by sections 308.6 to 308.8 of the code.

4. The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the provision for a type B dwelling unit and shall comply with the applicable provisions in chapter 11 and ICC/ANSI A 117.1 listed in chapter 35.

308.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to a, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.
 2. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems, and abatement of hazardous materials.
 3. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility, or element.
- 308.8.2 Elevators.** Altered elements of existing elevators shall comply with the Michigan elevator code, R 408.7001 to R 408.8695. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.
- 308.8.3. Platform lifts.** Platform (wheelchair) lifts complying with ICC/ANSI A 117.1 listed in chapter 35, and installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695 shall be permitted as a component of an accessible route.

R 408.30562 Submittal of documents.

Rule 562. Section 106.1 of the code is amended as follows:

106.1 Submittal of documents. Construction documents, special inspection and structural observation programs, investigation and evaluation reports, and other data shall be submitted in 1 or more sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of a registered design professional when required by ~~article 20 of 1980 P.A. 299, MCL 339.101 to 339.2721.~~ **et seq.** Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R 408.30564 ~~Temporary power.~~ **Elevator control.**

Rule 564. Section ~~107.1301.6.14~~ of the code is amended as follows:

~~107.1301.6.14 Temporary power.~~ **Elevator control.** ~~The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before the installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the Michigan electrical code.~~ **Evaluate the passenger elevator equipment and controls that are available to the fire department to reach all occupied floors. Elevator recall controls shall be provided in accordance with the Michigan elevator code, R 408.7001 to R 408.8695. Under the categories and occupancies in table 1301.6.14, determine the appropriate value and enter that value into table 1301.7 under safety parameter 1301.6.14, elevator control, for fire safety, means of egress, and general safety. The values shall be zero for a single-story building.**

R 408.30565 Payment of fees.

Rule 565. Section 108.1 of the code is amended as follows:

108.1 Payment of fees. The fees prescribed by ~~section 22 of 1972 P.A. 230, MCL 125.1501 et seq~~**the act** shall be paid to the enforcing agency of the jurisdiction before a permit to begin work may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee has been paid.

R 408.30566 Smoke alarm locations.

Rule 566. Sections ~~301.5401.4~~ and ~~301.6401.5~~ are added to the code as follows:

~~301.5401.4.~~ Smoke alarm locations in existing buildings constructed before November 6, 1974. Within each dwelling unit or sleeping unit, a single-station smoke alarm shall be installed in the following locations:

1. In each sleeping room or each area directly outside the sleeping room.
2. On each floor level including the basement level.

For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than 1 full story below the upper level.

~~301.6401.5.~~ Equipment Requirements. The required equipment for smoke alarms consist of the following:

1. Installation. Smoke alarm devices shall be listed and installed in accordance with the provisions of this code, the manufacturers installation requirements, and the provisions of NFPA 72 ~~which is adopted by reference in these rules as listed in chapter 15. The standard is available for inspection at the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes and Fire Safety, 2501 Woodlake Circle, Okemos, Michigan, 48864, or from NFPA, 1 Batterymarch Park, Quincy, MA, 02269-9101, at a cost as of the time of adoption of these amendatory rules of \$48.00.~~

2. Power Source. The equipment shall be operable by power from 1 of the following primary sources.

a. The building wiring provided that such wiring is served from a commercial source and is equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

b. A non-rechargeable battery that is capable of operating the smoke alarm in the normal condition for a life of 5 years.

c. A rechargeable battery, with proper charging, able to power the alarm for a life of 5 years and shall be automatically recharged by an AC circuit of the commercial light and power source.

d. A household or commercial use alarm system with battery backup listed and approved in accordance with the household and commercial fire warning equipment provisions of NFPA 72, as adopted by reference in this rule.

3. Audible Alarm Notification. The activation of the alarm signal shall produce a sound that is audible in all occupiable dwelling areas.

4. Testing and Maintenance. The owner of a dwelling unit, in which required or optional fire detection or fire protection systems equipment is installed, shall be responsible for the proper operation, testing, and maintenance of the equipment in accordance with the manufacturer's instructions included with the equipment. The occupant of rental dwelling units shall be responsible for the periodic operational testing and periodic cleaning of the installed equipment within the rental unit in accordance with

the testing instructions provided in the manufacturer's instructions for the equipment. If the system fails, breaks, or is out of service, it shall be repaired and functional within 30 days.

Exception: Smoke alarms and devices installed in buildings constructed before November 6, 1974 where an installation was approved by the appropriate enforcing agency under regulations in effect at the time of the installation shall be considered to comply with the provisions of the code.

R 408.30568 Altered area use and occupancy classification change.

Rule 568. Section 110.1 of the code is amended as follows:

110.1 Altered area use and occupancy classification change. An altered area of a building shall not be used or occupied, and a change in the existing occupancy classification of a building or portion thereof shall not be made until the building official has issued a certificate of occupancy in accordance with ~~section 13 of 1972 P.A. 230, MCL 125.1501 et seq~~ **the act**. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of the other ordinances of the jurisdiction.

R 408.30569 ~~Certificate issued.~~ **Minimum requirements.**

Rule 569. Section ~~110.2~~ **1005.1** of the code is amended as follows:

~~110.2~~ **1005.1. Minimum requirements.** ~~Certificate issued. After the building official inspects the building and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy, which shall contain all of the following information:~~

- ~~-(a) The building permit number.~~
- ~~-(b) The address of the structure.~~
- ~~-(c) The name and address of the owner.~~
- ~~-(d) A description of that portion of the structure for which the certificate is issued.~~
- ~~-(e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
- ~~-(f) The name of the building official.~~
- ~~-(g) The edition of the code under which the permit was issued.~~
- ~~-(h) The use and occupancy in accordance with the provisions of the Michigan building code.~~
- ~~-(i) The type of construction as defined in the Michigan building code.~~
- ~~-(j) The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.~~
- ~~-(k) If an automatic sprinkler system is provided, whether the sprinkler system is required.~~
- ~~-(l) Any special stipulations and conditions of the building permit.~~ **Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of section 308.**

R 408.30570 ~~General~~ **Board of appeals.**

Rule 570. Sections 112.1 **and 112.3** of the code ~~is~~**are** amended as follows:

~~112.1 General~~**Means of appeal.** Appeals shall be heard in accordance with the provisions of section 14 of 1972 P.A. 230, MCL 125.1501 et seq. **An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.**

Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.

112.3 Qualification. The board of appeals shall consist of members who are qualified in accordance with the act.

R 408.30571 Violation penalties.

Rule 571. Section 113.4 of the code is amended as follows:

113.4 Violation penalties. (1) It is unlawful for any person, firm, or corporation to violate a provision of this code or fail to conform with any of the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause work to be performed or done in conflict with or in violation of the approved construction documents or directive of the enforcing agency or a permit or certificate issued under this code.

(2) A violator shall be assessed a fine in accordance with ~~the act~~~~section 23 of 1972 P.A. 230, MCL 125.1501 et seq.~~

R 408.30572 ~~Notice to owner~~**Stop work order.**

Rule 572. Section 114.2 of the code is amended as follows:

114.2 ~~Notice to owner~~**Issuance.** Upon notice from the enforcing agency, work on any building or structure that has been done contrary to this code or in a dangerous and unsafe manner shall immediately cease. Notice shall be in accordance with ~~the act~~~~section 12 of 1972 P.A. 230, MCL 125.1501 et seq.~~ A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed in ~~the act~~~~section 23 of 1972 P.A. 230, MCL 125.1501 et seq.~~

R 408.30573 ~~Design procedures and seismic forces.~~ **Change of occupancy.**

Rule 573. Section ~~308.4~~~~07.1.1.1, 407.1.1.2, and 407.1.1.3~~ of the code ~~are~~**is** amended as follows:

~~407.1.1.1 Design procedures. The seismic design of existing buildings shall be based upon the procedures specified in the Michigan building code.~~

~~407.1.1.2 Level seismic forces. When seismic forces are required to meet the Michigan building code, they shall be based upon 100% of the values in the Michigan building code or FEMA 356, the standard of the Federal Emergency Management Agency, which is adopted in these rules by reference. The standard may be obtained from the Federal Emergency Management Agency, Federal Center Plaza, 500 C Street S.W., Washington DC 20472, at no cost or from the Michigan Department of Consumer and Industry~~

~~Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864. This standard may be inspected at the Okemos office of the Michigan department of consumer and industry services. Where FEMA 356 is used, the FEMA 356 basic safety objective (BSO) shall be used for buildings in seismic use group I. For buildings in other seismic use groups, the applicable FEMA 356 performance levels shown in table 407.1.1.2 for BSE 1 and BSE 2 earthquake hazard levels shall be used.~~
~~407.1.1.3 Reduced level seismic forces. When seismic forces are required to meet reduced Michigan building code levels, they shall be based upon 75% of the assumed forces prescribed in the Michigan building code.~~ **308.4. Change of occupancy. Unless technically infeasible, sections 308.5, 308.6, 308.7 and 308.8 of the code shall be applied in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.**

R 408.30574 Accessibility.

Rule 574. Section ~~605.1506.1~~ of the code is amended as follows:

605.1506.1 General Accessibility. A building, facility, or element that is ~~altered accessible~~ shall ~~comply~~ **remain accessible in accordance** with the requirements of 1966 P.A. 1, MCL 125.1351 ~~to 125.1356 et seq.~~ and the applicable provisions of chapter ~~41 of the Michigan building code, R 408.31101 et seq.~~ **R 408.30401 to R 408.30547.**

R 408.30575 High-rise buildings.

Rule 575. Section ~~802.1702.1~~ of the code is amended as follows:

802.1702.1 High-rise buildings. Any building having 1 or more occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of sections ~~802.1.1702.1.1 through and 802.1.2702.1.2.~~

Exception: The provisions of sections ~~802.1.1702.1.1~~ and ~~802.1.2702.1.2~~ shall apply to buildings having occupied floor levels more than 75 feet above the lowest level of fire department vehicle access where the local unit of government has complied with the provisions of section 403.1 of the Michigan building code, exception 6.

R 408.30576 Accessibility requirements.

Rule 576. Sections ~~906.1806.1, 812.5, and 1104.11004.1~~ of the code are amended as follows:

~~906.1806.1 General.~~ Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of ~~R 408.30574~~ **section 308.4.**
~~812.5 Accessibility.~~ Existing buildings or portions thereof that undergo a change of occupancy shall comply with the provisions of ~~R 408.30574.~~

1104.11004.1 Accessibility requirements. ~~The provisions of R 408.30574 shall apply to buildings and facilities designated as historical structures that undergo a change of occupancy.~~ **The provisions of section 308 shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the code official, the alternative requirements of sections 1104.1.1 to 1104.1.5 for that element shall be permitted.**

R 408.30577 Applicability.

Rule 577. Sections **706.1** and **806.1** are added to the code and **1301.2** ~~1201.2~~ of the code is amended as follows:

706.1 General. A building, facility, or element that is altered shall comply with section 308.

806.1 General. A building, facility, or element that is altered shall comply with section 308.

1301.2 ~~1201.2~~ Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of ~~this~~ chapter 12 of the code or the provisions of chapters 4 through 12 ~~40~~ of the code. The provisions in sections **1301.2.1** ~~1201.2.1~~ through **1301.2.5** ~~1201.2.5~~ shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. The provisions of this rule shall not apply to buildings with occupancies in group H or I.